

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL (Large Entity)

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

20257 (C38435/110665)

 DUPLICATE (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

MAY 14 2002 Carl BURDICK et al.

Sabiha Naim QAZI

1616

TECH CENTER 1600/2900
RECEIVED
MAY 20 2002
#13
RKA
5.23.02

Address to:

Assistant Commissioner for Patents
 Box CPA
 Washington, D.C. 20231

This is a request for filing a continuation, or divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/448,356 filed on November 23, 1999 and entitled:

PHYTOSTEROL AND/OR PHYTOSTANOL DERIVATIVES

1. Enter the unentered amendment previously filed on November 21, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent is enclosed.
5. An Information Disclosure Statement (IDS) is enclosed:

a. <input type="checkbox"/> PTO-1449	05/17/2002 GTEFFERA 00000084 024467 09448356	
b. <input type="checkbox"/> Copies of IDS Citations	01 FC:131 02 FC:102	4.00 CH 740.00 OP 80.00 OP
6. The fee for this application is calculated as follows:

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	9	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$80.00	\$80.00
Multiple Dependent Claims (check if applicable)					\$0.00
				BASIC FEE	\$740.00
				TOTAL FILING FEE	\$820.00

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-4467.

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8. A check in the amount of \$820.00 is enclosed.

9. Also enclosed:

Certificate of Express Mailing (1 p)

Copy of Response To Office Action Under Rule 116 and Exhibits 1-6 filed in parent case (50 pp)

Copy of Petition For Extension Of Time filed in parent case (1 p)

Return Postcard

10. The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

NOTES

Submit an original, and a duplicate for fee processing.

FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

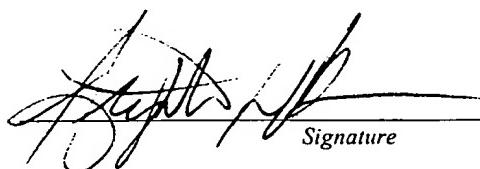
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: May 14, 2002



Signature

Stephen J. Brown

Typed or printed name

43,519

Registration Number (if applicable)

- Inventor(s)
 Assignee of complete interest
 Attorney or agent of record

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

David Carl BURDICK et al.)
Parent Serial No.: 09/448,356) Examiner: S. N. Qazi (expected)
Filed: Herewith) Art Unit: 1616 (expected)
For: PHYTOSTEROL AND/OR)
PHYTOSTANOL DERIVATIVES)

Docket No. 20257 US C38435/110665

TECH CENTER 1600/2900

MAY 20 2002

New York, New York
May 14, 2002

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: EL 715 380 406 US
Date of Deposit: May 14, 2002

I hereby certify that the following:

- Certificate of Express Mailing (1 p)
- Continued Prosecution Application Request Transmittal (3 p) in duplicate
- Copy of Response To Office Action Under Rule 116 And Petition For Extension Of Time with Exhibits 1-6 filed in parent case on November 20, 2001 (50 pp)
- Copy of Petition For Extension Of Time with certificate of mailing filed in parent case (1 p)
- Check for \$820.00 (CPA Filing fee)
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Box CPA, Commissioner For Patents, Washington, D.C. 20231,


Eric Morales
Signature of Person Making Deposit

BRYAN CAVE LLP
245 Park Avenue
New York, New York 10167-0034
(212) 692-1800

RECEIVED

MAY 20 2002

TECH CENTER 1600/2900

Docket No.: 20257 US (C38435/110665)

PATENT



RESPONSE UNDER
37 CFR 1.116

EXPEDITED PROCEDURE

EXAMINING GROUP 1616

#13/c

AKD
5.23.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Carl BURDICK *et al.*

Serial No.: 09/448,356

Filed: November 23, 1999

For: **PHYTOSTEROL AND/OR
PHYTOSTANOL DERIVATIVES**

)
)
)
)
)

Examiner: S. Qazi

Art Unit: 1616

New York, New York
November 20, 2001

**RESPONSE TO OFFICE ACTION UNDER RULE 116
AND PETITION FOR EXTENSION OF TIME**

Box AF
Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action mailed May 21, 2001, which set a three-month shortened statutory period for response. A three-month extension of time to respond to the Office Action is hereby requested. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before November 21, 2001. 37 CFR §§ 1.8 and 1.136. Enclosed is a check in the amount of \$920.00 to cover the fee for the extension of time.